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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 977 OF 2007
IN
WRIT PETITION NO. 3440 OF 2006

Mr. Vilas G. Acharekar ... Applicant

V/s

1. Vijay Printing Press
2. Kranti Kamgar Union ... Respondents

Mr. Mahesh Londhe i/by M/s. Sanjay Udeshi & Co. for the applicant.

Mr. Rahul Nerlekar for the respondent No.1.

Mrs. Smita Surve for the respondent No.2.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 28TH SEPT., 2007.

P.C.:

1. The civil application has been filed for a direction to the respondent No.1 in the civil application i.e. the original petitioner to deposit the back wages awarded by the Courts below i.e. from 8.11.2002 to 19.12.2006. A further prayer is made to permit the applicant to withdraw the amount so deposited. Besides this, the applicant has also prayed that he be paid salary on a month to month basis during the pendency of

the petition. In my view, the prayer made for payment of salary month to month need not be granted as this is a complaint filed under the M.R.T.U. & P.U.L.P. Act and principles analogous to Section 17-B of the Industrial Disputes Act are not applicable as held in the judgment of the learned Single Judge in the case of **Divl. Controller, Maharashtra State Road Transport Corporation, Akola v/s Syed Shabir Jani s/o Syed Alisaheb, reported in 1997 II C.L.R. 1146.**

2. As regards the deposit of back wages, the petitioner i.e. the respondent No.1 herein is directed to deposit the back wages from 8.11.2002 to 19.12.2006 as awarded by the Courts below, in this Court within eight weeks from today. If the amount is so deposited, the applicant is permitted to withdraw 50% of the amount on furnishing security to the satisfaction of the Registrar General. The balance amount shall be invested in a nationalized bank initially for a period of three years, to be renewed thereafter.

3. Civil application disposed of accordingly.

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